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The Libel Case Against
T. J. WolfleyGoes Over to the Next
Term of Court.A Powerful and Sweeping Af-
fidavit Brought in.The Character of the Testimony
Proposed to be Introduced by
the Defense.

A continuance was granted yesterday on a motion by the defendant in the case of the territory vs. T. J. Wolfley, editor of THE REPUBLICAN for malicious libel. The case had been set for 9 o'clock and the defendant appeared with his attorneys, Col. B. J. Franklin, Frank Cox, G. C. Israel and Judge J. B. Woodward.

For the territory there was District Attorney Williams, his assistant Capt. Crenshaw and associate counsel Judge H. N. Alexander. Behind them was seated the prosecuting witness, C. S. Masten.

A motion for a continuance was offered and in support of it Judge Israel presented an affidavit of great length, showing cause why the defense was not ready for trial. Witnesses were absent and not in the territory by whom it was proposed to justify the alleged libelous publication, on which the indictment was brought, and prove that it was in reply to an article which appeared on Jan 25, over the signature of C. S. Masten. These witnesses were Chas. S. Diehl, of San Francisco, western manager of the Associated Press, Ex-Governor Murphy, C. H. Morehouse, of El Paso, general freight and passenger agent of the Santa Fe Route and Dr. H. A. Hughes.

The affidavit first proceeded to set forth a communication to the Herald by the complainant Masten in reference to two articles, one of which had appeared in the Herald, and the other a subsequent article published in THE REPUBLICAN. In the course of his reference to the latter article statements were made disclosing an arrangement made by THE REPUBLICAN and the Gazette with the Associated Press. On these statements in the communication was based a subsequent publication in THE REPUBLICAN charging the complainant with having divulged the contents of a telegram by THE REPUBLICAN and the Gazette to Mr. Diehl, western manager of the Associated Press.

The affidavit then proceeded in the following language to set forth the character of the testimony to be produced by Mr. Diehl:

"That I will show and prove on the trial of this action that the said card was written by and published at the request of the said C. S. Masten, who is alleged in the indictment to be the person libeled by the defendant. That I will show that on the trial of this action that the article alleged in the indictment herein to have been published and printed by me and concerning the said C. S. Masten, was written in reply to the article above set forth. That in my behalf and as well in the making of my proof and defense herein it is necessary for me to have present and at

this trial for the purpose of testifying therein the said absent witnesses and the facts that I will prove by them in the defense herein as follows:

"That C. S. Diehl is a resident of the city and county of San Francisco and is a necessary and material witness in my behalf in the trial of this action in this, to wit: That the said C. S. Diehl, if present, would testify as follows: That he resides in the city of San Francisco, State of California, and was there residing at the time alleged in the indictment herein, that the article upon which the said indictment is predicated is alleged to have been published and that prior to the said alleged date and on or about the 3rd day of January, 1893, he received at San Francisco aforesaid a telegram from this defendant and one J. O. Dunbar, dated at the city of Phoenix, and transmitted to him over the telegraph line alleged in the said indictment, which telegram was in words as follows, to wit:

"C. S. Diehl, San Francisco. Owing to dissatisfaction with the service of the local line, we have concluded to receive our Associated Press dispatches at Maricopa. The usual amount for January service is deposited in the National Bank. Attend to delivery of service at Maricopa."

THE REPUBLICAN, by T. J. WOLFLEY.

The Gazette, by J. O. DUNBAR.

"That the said witness will further testify that at the time he received the said telegram, he was the acting agent of the Associated Press at San Francisco, aforesaid, and that he did not divulge the said telegram or its contents to anyone or any persons aside from the members of the said company, and that the said telegram was not made public or public property at any time. That the defendant has used due diligence to get this testimony since the finding of the indictment herein, but before he could issue a commission to take the testimony of said witness, he was first obliged to correspond with the said witness to ascertain just what point in the said California, the witness could be reached for taking his deposition, and just exactly what the testimony would be in order to frame his interrogatories so as to obtain responsive and pertinent answers to the same, and at the same time, thereby, obtain the said testimony on the said responses. That the affiant has obtained the same information, but that he did not come into possession of the same, until after the setting of his case for trial, and not in time to issue the said commission and have the said testimony taken and returned to this honorable court on or before this 20th day of June 1893 (this day), and that the attorneys for this affiant have the said interrogatories fully prepared and ready for settlement and the issuance of the commission to take the said testimony of the said witness, and that if a continuance is granted herein, the said testimony will be taken and produced, ready for use at the next term of this court."

"That the defendant cannot prove the said receipt of the said telegram by the said witness or the fact that the same was not made public as aforesaid by any other witness than the said Diehl."

By Ex-Governor Murphy the affidavit set forth that it was proposed to be shown that the witness had for the past two years mailed important telegrams to Tucson directing them to be transmitted from that point rather than risk the divulging of their contents by persons connected with the line controlled by Mr. Masten.

It was intended also to show that the contents of other telegrams received by Governor Murphy relating to the construction of the north and south road had been made public and a knowledge of their contents had been used by Mr. Masten to obstruct and embarrass the construction of the road and to hinder the sale of the bonds of the road. It was intended to show that only two persons, Mr. P. G. Tompkins and Mr. Masten, were cognizant of the contents of such telegrams and it was proposed to prove that Mr. Tompkins had not divulged them.

What was intended to be proved by Mr. Morehouse was set forth in the affidavit as follows:

"That C. H. Morehouse is a resident of the city of El Paso and is and was at the time hereinafter mentioned a general freight and passenger agent of the Santa Fe railroad company. That the said C. H. Morehouse is a necessary and material witness for and in behalf of the defendant in the trial of this action and that the said witness would if present at this trial and will testify at his residence and business was and is as above set forth."

"That about the 1st day of June, 1893, and before the finding of the indictment herein, the witness, C. H. Morehouse, sent a telegram from Deming, in the territory of New Mexico, to a shipper and proposed patron in and at the city of Phoenix and that the said telegram was by its contents giving and quoting a rate of freight charges over the said Santa Fe road to the said shipper and soliciting a shipment of freight by the said party over the said line, and that the said telegram was a private message and that the said shipper had informed the witness that he intended to make a shipment of freight. That the said telegram was not delivered to the said shipper nor did it according to the said shipper ever reach him, but that on the day the

said telegram should have reached the shipper, he, the said shipper, was approached by an agent of the said C. S. Masten and the said shipper told by the agent that the said agent had learned from the said C. S. Masten the fact that the said shipper was about to make a shipment to the east and that the said agent for and in behalf of the said Masten quoted and gave to the said shipper a rate over a rival line represented by the said Masten and secured the business of the said shipper for the said rival line. That the defendant cannot prove the fact of the sending of the said telegram by any other witness and does not know the name of the said shipper but avers the fact from statements made to him by the said Morehouse, that the said shipper is a resident of the county of Maricopa and that his name once ascertained the defendant can and will, in connection with the testimony of the said Morehouse, produce at the trial of this action the said shipper and prove the facts now above set forth as hearsay on the part of said defendant and the further fact that the said telegram as sent by the said Morehouse never reached the said shipper. And defendant will further prove on the said trial the same state of facts as to the persons who had access to the telegrams sent over the said line as in the case of the witness, Murphy. That the defendant has used every endeavor and all diligence to obtain the testimony of the said witness, Morehouse, but that ever since the setting of this case and before that time the said Morehouse has been and is now (as the defendant is informed by him, the said witness' fellow officers in El Paso) temporarily absent from the said El Paso and away from that point on business and that the defendant has been unable to get any word or communication with the said Morehouse. That the said Morehouse will shortly return to El Paso and the defendant can and will, then and before the next term of court, procure the deposition of the said Morehouse as to the facts above stated and will, through the said Morehouse, procure the name, identity and presence at the trial of the said shipper and procure his testimony as above at the said trial."

The character of the testimony to be produced by Dr. Hughes was that between the middle and latter part of April last he had received several telegrams the contents of which had been made known on the street within half an hour after their receipt by the addressee and that the publication had not been made by himself.

After having read the affidavit Judge Israel said if there was any doubt in the court's mind as to the materiality of the testimony set up in the affidavit as a justification of the alleged libel on Mr. Masten, he was prepared to present authorities to the court on the point.

The court asked the district attorney what he had to say. After a brief consultation with his associated counsel and Mr. Masten, he replied that he would submit the matter to the court without comment. "That," said Judge Baker, "amounts to a confession of the affidavit and the case will be continued for the term."

THE ILLINOIS LEGISLATURE

Looking After the Alum and Ammonia Baking Powders.
(Chicago Inter-Ocean.)

A bill for an act, entitled "An Act to Regulate the Traffic in Baking Powder," has been introduced in the Legislature at Springfield, by Mr. Nohe. The bill is intended to prevent the adulterations of baking powders with Ammonia or Alum, imposing proper penalties to enforce the law, etc. This shows an earnest desire on the part of our representatives to protect their constituents.

The Chicago Tribune, referring to the question of legislation on Alum and Ammonia baking powders, says: "It deals in a direct manner with an evil that must be cut down."

"Following is a partial list of the names of the brands sold in this state that have been examined and found to contain either Ammonia or Alum. Many of the Alum and Ammonia Powders are labeled and advertised as absolutely pure to mislead the public: 'Calumet,' 'Grant's Bog Bon,' 'Hotel,' 'Taylor's One Spoon,' 'Chicago Yeast,' 'Climax,' 'Monarch,' 'Mokaska,' 'Manhattan,' 'K. C.,' 'Loyal,' 'Forest City.'"

In addition to the above list there is a multitude of brands sold with a prize. It is safe to reject all baking powders sold with a prize, as the tests show they are composed largely of alum and cost but a few cents per pound, or less; it is sure to contain alum."

Sorely nothing but their cheapness could induce the public to experiment with these impure powders at the risk of health. Aside from the question of health or the wholesomeness of these condemned powders, and viewed from the standpoint of economy alone, a pure grape-cream tartar baking powder like "Dr. Price's," from its greater known strength and unquestionable purity, will prove more economical to the user in every way.

Citizens, study your health; good health is happiness. Use Coronado Natural Mineral Water at every opportunity. Physicians from all over the country are recommending it to their patients for a positive relief in kidney trouble and indigestion. For sale in quart and pint bottles by all reliable druggists, grocers and wine merchants. Orders can be left with L. Melzer, wholesale liquor dealer, agent.

Bread! Bread! Bread!

Cheap if you carry it away from our store, 10 S. Center St. Six large loaves for 25 cents. SPOKANE BAKERY.

The Valley Cycle club has completed arrangements for their entertainment on July 4th. The program is a "dandy."

Walker & Gant.

Real Estate, Insurance and Money brokers. Houses to rent, and rents collected. Prompt attention given to all business entrusted to us. Office No. 14 Wall street.

Have you tried our pure ice cream? If not, give us a call, it is certainly the best in town. SPOKANE BAKERY.

Farm for Sale.

One of the finest 80-acre farms in the valley, fifty acres in bearing fruit. Terms, part cash, balance long time, 8 per cent interest. Six miles from Phoenix. A bargain in every way. P. B. LINDSEY.

Notice.

Came to my place, Monday last, stray mare, with saddle on, no bridle. Owner can procure by proper identification and paying expenses.

J. V. KENDALL,
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One block west of foundry.

Ice! Ice!

The Phoenix Ice Factory will deliver ice in the old city limits at the following prices:

Fifteen pounds or less, 1 cent per pound.

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Special rates on amounts exceeding 200 pounds.

Our ice is made from natural water and the ice crystals while forming are constantly exposed to a stream of running water, which effectually removes all impurities, the product being in every respect the same as natural ice, and we guarantee it to be equal in purity, density, and keeping qualities to any natural or manufactured ice in the world. S. D. LOUNT & SON.

Everybody is invited to join either on foot, four wheels or horse back in the Mardi Gras on the morning of July 4th. It is proposed to paint the town "several tints."

Have You a Janitor?

If not, George Andrews will clean up your offices and stores, and take pride in keeping things neat. He is a thorough and reliable man. Call at the Keeley Institute, if you are in need of his services.

MUST HAVE MONEY.

I will sell two desirable residence lots nicely located and convenient to business at a sacrifice. Address Box 491, Phoenix, Ariz.

Lost.

Black mare, scar on right shoulder. When last seen had on an English saddle and wire double bit. Any information will be liberally rewarded at the Sewer company's office on Wall St.

For Rent.

One or two nicely furnished rooms one half square from court square. Address P. O. Box 218.

You can see one of those lovely Victorias at the Victor Bicycle agency, 32 South Center St. This is the best and the easiest riding ladies' wheel in the world.

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Will cure without medicine all Weakness resulting from over-exhaustion of brain nerve forces, excesses or indiscretions, as nervous debility, sleeplessness, languor, rheumatism, kidney, liver and bladder complaints, general ill health, etc. This electric Belt contains wonderful improvements over all others. Current is produced by a powerful motor or we forfeit \$5,000.00, and will cure all the above diseases or no pay. Thousands have been cured by this marvelous invention. No other electric remedies failed, and we give hundreds of testimonials by this and every other state.

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